

**Groundfish and Individual Fishing Quota Fisheries off the Coast of Alaska**  
**50 C.F.R. Parts 300, 600 and 679**

**PENALTY SCHEDULE**

The Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1858(a) (including provisions of the American Fisheries Act, Pub. Law 105-277) and the Northern Pacific Halibut Act, 16 U.S.C. 773f, provide for the assessment of a civil penalty not to exceed \$110,000 and \$25,000, respectively, for each violation, and lists various factors to be taken into account in determining the levels of civil penalties. The penalty ranges are intended as guidelines for assessing civil penalties for first offenses against domestic vessels for violations of the regulations governing fishing for groundfish off Alaska, under the Gulf of Alaska or Bering Sea and Aleutian Islands FMPs. Penalties listed for the specific violation may be doubled for certain second offenses under this part. Civil penalty determinations for subsequent violations will be based on the facts and circumstances of each case. Each day of a continuing violation constitutes a separate offense.

Part XIV outlines the general adjusting factors that may apply. Penalties may be raised or lowered depending on the facts and circumstances of the particular case, including the amount of fish involved in a violation and the economic benefit derived from the violation. An important consideration for assessing a penalty is to deter future violations and to make a penalty more than a cost of doing business. Moreover, publication of civil penalty guidelines for violations of 50 C.F.R. parts 300, 600 and 679 is without prejudice to use of other Magnuson-Stevens Act or Northern Pacific Halibut Act remedies in appropriate cases. (For violations of the Northern Pacific Halibut Act which are not related to the IFQ or CDQ programs, see the penalty schedule for the Northern Pacific Halibut Act.)

Permit sanctions may be contemplated in addition to or instead of the aforementioned penalties. Generally, a permit sanction for a first offense will be imposed for the duration of a fishing season or period which is similar or comparable to that fishing season during which the violation occurred.

These recommended civil penalties are applicable only to administrative enforcement actions. For more serious violations (i.e., violations for which assessment of an administrative civil penalty and/or imposition of a permit sanction is not sufficient), the Magnuson-Stevens Act provides for the judicial forfeiture of vessels and/or their catch. 16 U.S.C. 1860. By definition, judicial forfeiture actions represent more serious violations of the Act warranting significantly higher penalties than those recommended herein.

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◆ Size of vessel or facility and/or the type of missing information may be considered in establishing the level of penalty.

♠ Consideration may be given to the condition of the prohibited species found on board, and the amount of time between haul and sorting or detection.

## I. Permit Violations

### A. Federal Fisheries Permit

1. Fishing without first obtaining a valid fisheries permit.  
Penalties for Catcher Processors and motherships: \$1,000 - \$10,000, plus forfeiture of catch or value thereof  
Penalties for all other vessels: \$1,000 - \$5,000, plus forfeiture of catch or value thereof
2. Failure to provide written notification of any change to the information required to be provided on the permit application; failure to submit accurate information on the permit application.  
Penalty: \$1,000 - \$5,000
3. Failure to carry permit aboard or failure to present permit for inspection.  
Penalty: \$500 - \$2,500

### B. Processor Permit

1. Processing without first obtaining a processor's permit  
Penalty: \$1,000 - \$10,000 ♦
2. Failure to provide written notification of any change to the information required to be provided on the permit application.  
Penalty: \$1,000 - \$7,500
3. Failure to have permit available for inspection.  
Penalty: \$500 - \$5,000

### C. Moratorium Permit

1. Fishing for moratorium species without holding a valid moratorium permit  
Penalty: \$5,000 - \$25,000, plus forfeiture of catch or value thereof
2. Failure to provide written notification of any change to the information required to be provided on the permit application.

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- Penalty: \$1,000 - \$5,000
3. Failure to carry permit aboard or failure to present legible permit for inspection  
Penalty: \$1,000 - \$3,000
4. Catch or retain a moratorium species with a vessel that has received an unauthorized transfer of moratorium qualification  
Penalty: \$5,000 - \$25,000, plus forfeiture of catch or value thereof

D. License Limitation

1. Fishing for license limitation species without holding a valid license limitation permit  
Penalty: \$10,000 - \$50,000, plus forfeiture of catch or value thereof
2. Failure to provide written notification of any change to the information required to be provided on the permit application.  
Penalty: \$2,000 - \$10,000
3. Failure to carry permit aboard or failure to present legible permit for inspection  
Penalty: \$4,000 - \$6,000
4. Catch or retain a moratorium species with a vessel that has received an unauthorized transfer of license limitation qualification  
Penalty: \$10,000 - \$50,000, plus forfeiture of catch or value thereof

E. Scallop Limited Entry

1. Fishing for scallops without holding a valid scallop limited entry permit.  
Penalty: \$10,000 - \$50,000, plus forfeiture of catch or value thereof.
2. Failure to provide written notification of any change to the information required to be provided on the permit application.  
Penalty: \$2,000 - \$10,000
3. Failure to carry permit aboard or failure to present legible permit for inspection.

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- Penalty: \$4,000 - \$6,000
4. Catch or retain scallops pursuant to an unauthorized transfer of scallop limited entry qualification.  
Penalty: \$10,000 - \$50,000, plus forfeiture of catch or value thereof.
- F. Submit inaccurate information on moratorium, license limitation or scallop limited entry permit application.  
Penalty: \$2,000 - \$25,000, or revocation of all fishing rights obtained through the violation, or forfeiture of catch or value thereof attributable to that fishing activity, or all or some part of the above.

## II Recordkeeping and Reporting Violations

- A. Failure to submit a timely, accurate and legible logbook or other report; failure to comply with entry and alteration restrictions; failure to maintain a complete logbook or other report.  
Penalty: \$1,000 - \$15,000 ♦
- B. Failure to provide timely, accurate, and complete check-in or check-out information.  
Penalty: \$1,000 - \$5,000

## III Fishing Violations

- A. Closed Area, Fishery or Period  
Conduct fishing contrary to a notice of inseason adjustment, in a closed area, during a closed season, after a catch limit has been reached, fishing in CDQ fishery without an approved vessel or an approved CDP, exceeding CDQ, or violation of a directed fishing standard or gear limitation; engage in large-scale driftnet fishing beyond the EEZ of any nation; Possess, have custody of, ship, transport, import, export, order for sale, sell, or purchase illegally taken fish.  
Penalty: \$5,000 - \$50,000, plus forfeiture of illegal catch or value thereof. ♦

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B. Pollock Trip Limit

Retain on board more than 136 mt of unprocessed pollock or retain on board a tender vessel more than 272 mt of unprocessed pollock.

Penalty: \$5,000 - \$15,000, plus forfeiture of overage or value thereof.

C. Roe Stripping (16 U.S.C. 1857(1)(N))

Strip pollock of its roe and discard flesh of the pollock.

Penalty: \$5,000 - \$50,000, plus forfeiture of roe or value thereof.

D. Prohibited Species ♠

- 1 Failure to sort catch as soon as possible and return any prohibited species to the sea immediately with a minimum of injury.

Penalty: \$1,000 - \$5,000

- 2 Retention of prohibited species.

I Up to 35 halibut or salmon:

Penalty: \$300 per fish plus forfeiture of the prohibited species.

II More than 35 halibut or salmon:

Penalty: \$400-\$500 per fish or \$10 per pound (round weight or round weight equivalent), whichever is greater, plus forfeiture of prohibited species

III Other Species:

Penalty: \$5.00 per pound, plus forfeiture of the prohibited species or value thereof.

- 3 Failure to minimize catch of prohibited species

Penalty: \$25,000 - \$30,000

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IV Gear Violations (see License Limitation fishing violations for specific penalties relating to License Limitation violations)

- A. Failure to comply with gear requirements  
Penalty: \$500 - \$5,000.
- D. Steal, remove, damage or tamper with fishing gear or fish  
Penalty: \$5,000 - \$25,000

V Observer Violations.

- A. Failure to maintain required observer coverage.  
Penalty: \$10,000 - \$35,000 ♦
- B. Forcibly assault, resist, oppose, impede, intimidate or interfere with an observer.  
Penalty: \$30,000 - \$70,000
- C. Interfere with or bias the sampling procedure employed by an observer; tamper with, destroy or discard an observer's samples, equipment, records, film, papers or personal effects without the consent of the observer; prohibit observer from or fail to provide observer with access to information; fail to allow observers free and unobstructed access to all areas; fail to provide required documents to observer; harass an observer; require observer to perform duties normally performed by crew; fail to provide a personal computer and communications equipment and to ensure that it is fully functional and operational, or fail to provide observers with food and accommodation equivalent to management level personnel on a vessel.  
Penalty: \$5,000 - \$50,000 ♦
- D. Pre-sorting before observer has opportunity to sample  
Penalty: \$5,000 - \$20,000 ♦
- E. Modify workstation without obtaining recertification  
Penalty: \$5,000 - \$35,000 ♦
- F. Failure to notify observer at least 15 minutes before fish are brought on board or transferred  
Penalty: \$1,000

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- G. Failure to conduct transfer at sea in accordance with regulations  
Penalty: \$5,000 - \$25,000 ♦
- H. Failure to have on board a Commercial Fishing Vessel Safety Decal, Certificate of Compliance or Certificate of Inspection  
Penalty: \$750

VI Vessel Incentive Program

Exceed a bycatch rate standard specified pursuant to 50 C.F.R. 672.26 or 675.26.

Penalty: \$50,000 - \$90,000

VII Inshore/Offshore Violations

- A. Operate any vessel in more than one of the three categories included in the definition of "inshore component" during any fishing year -
1. with a processing vessel that is less than 125' LOA: Processing on aggregate of 126 mt/week or more of pollock or GOA Pacific cod at a single geographic location within State waters then processing less than 126 mt/week in a different geographic location.  
Penalty: \$1,000 - \$5,000
  2. Processing pollock or GOA Pacific cod as a shoreside processing operation then applying for and receiving a Federal groundfish permit and either (1) processing pollock or GOA Pacific cod within State waters at a single geographic location or (2) processing less than 126 mt/week of pollock or GOA Pacific cod with a vessel that is less than 125' LOA.  
Penalty: \$5,000 - \$10,000
- B. Operate any vessel to process pollock harvested in a Federal reporting area off Alaska in a directed fishery for pollock,

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or Pacific cod harvested in the GOA in a directed fishery for Pacific cod, under the "inshore component" and the "offshore component" during the same fishing year -

1. With a vessel 125' LOA or longer: processing pollock or GOA Pacific cod within State waters at a single geographic location then processing pollock or GOA Pacific cod in a different geographic location.  
Penalty: \$20,000 - \$50,000, or forfeiture of catch or value thereof, or both
2. With a vessel less than 125' LOA: processing less than 126 mt/week of pollock or GOA Pacific cod then processing 126 mt/week or more of pollock or GOA Pacific cod.  
Penalty: \$10,000 - \$30,000, or forfeiture of catch or value thereof, or both.
3. Processing pollock or GOA Pacific cod within State waters at a single geographic location or with a vessel less than 125' LOA and processing less than 126 mt/week then surrendering the vessel's Federal groundfish fisheries permit and processing pollock or GOA Pacific cod.  
Penalty: \$10,000 - \$30,000, or forfeiture of catch or value thereof, or both.
4. With vessels less than 125' LOA: processing more than 126 mt/week of pollock or GOA Pacific cod then processing less than 126 mt/week.  
Penalty: None

#### VIII Moratorium Fishing Violations

- A. Catch and retain a moratorium species with a vessel that has a LOA greater than the maximum LOA for the vessel  
Penalty: \$5,000 - \$25,000

#### IX License Limitation Violations

- A. Processing without an authorization endorsement.  
Penalty: \$10,000 - \$50,000

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- B. Catch and retain license limitation species in an area not authorized.  
Penalty: \$10,000 - \$50,000, plus forfeiture of the entire catch or the value thereof.
- C. Catch and retain license limitation species with unauthorized gear.  
Penalty: \$5,000 - \$25,000, plus forfeiture of the entire catch or the value thereof

X Individual Fishing Quota and Community Development Quota Regulatory Programs \*

A. Quota and Possession Violations

- 1. Possession or sale of IFQ fish with no annual quota share, no IFQ or CDQ, or no registered buyer permit.
  - A. 300 pounds or less of halibut; 100 pounds or less of sablefish:  
Penalty: \$500 - \$2,500, plus forfeiture of IFQ species or value thereof.
  - B. 300 to 1,500 pounds of halibut; 100 to 1,500 pounds of sablefish:  
Penalty: \$15,000 - \$50,000, plus forfeiture of IFQ species or value thereof
  - C. More than 1,500 pounds of halibut or sablefish:  
Penalty: \$45,000 - \$80,000, plus forfeiture of IFQ species or value thereof.
- 2. Possession or sale of excess IFQ or CDQ fish by person holding IFQ or CDQ.
  - A. Overages occurring during the final voyage of year where IFQ or CDQ is available -
    - 1. Overages up to 100 percent of IFQ or CDQ remaining at beginning of voyage  
Penalty: \$1 - \$5 per pound, or deduction of the amount of the overage from the respondent's IFQ account in the year following final determination of the violation, plus forfeiture of entire catch overage or the value thereof
    - 2. Overages in excess of 100 percent of IFQ or CDQ remaining at beginning of voyage  
Penalty: \$2 - \$6 per pound, or deduction of the amount of the overage from the respondent's IFQ account in the year following final determination of the violation, plus forfeiture of entire catch overage or the value thereof.

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3. Possession or sale of halibut or sablefish by annual quota share holder with no remaining IFQ or CDQ for vessel or area.
  - A. 300 pounds or less of halibut; 100 pounds or less of sablefish:  
Penalty: \$500 - \$2,500, plus forfeiture of IFQ species or value thereof.
  - B. 300 to 1,500 pounds of halibut; 100 to 1,500 pounds of sablefish:  
Penalty: \$15,000 - \$50,000, plus forfeiture of IFQ species or value thereof, plus permit sanction against 20-50% of IFQ for one year or deduction of IFQ species amount from following year's IFQ - whichever is greater.
  - C. More than 1,500 pounds of halibut or sablefish:  
Penalty: \$45,000 - \$80,000, plus forfeiture of entire catch or value thereof, plus permit sanction against 50-100% of IFQ for one year or deduction of IFQ species amount from following year's or years' IFQ - whichever is greater.
- B. Transfer Violations; False Statement
  1. Transfer or obtain IFQ without prior written approval; Fraud or false statement in conjunction with transfer or acquisition of quota share, IFQ, ownership or bona fide crewmember status.  
Penalty: Revocation of all quota share obtained through the violation, plus forfeiture of catch or value thereof attributable to that quota share or IFQ, or \$25,000 - \$75,000, or both.
- C. Reporting/Clearance Violations
  1. Fail to provide timely prior notice of IFQ landing  
Penalty: \$2,000 - \$15,000
  2. Fail to submit an IFQ Landing Report in timely manner  
Penalty: 1 - 12 hours late: \$5,000 - \$40,000;  
Over 12 hours late: \$40,000 - \$80,000, plus forfeiture of IFQ fish or value thereof.

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3. Fail to submit Shipment Report in a timely manner  
Penalty: \$7,500 - \$20,000.
4. Fail to submit Transshipment Notice in a timely manner  
Penalty: \$20,000 - \$50,000.
5. Fail to submit accurate information in a Prior Notice of Landing report, shipment report or transshipment notice  
Penalty: \$5,000 - \$20,000.
6. Fail to submit accurate information in a Landing report  
Penalty: \$10,000 - \$25,000.

D. Vessel Clearance Violations

- 1 Fail to obtain prelanding written clearance  
Penalty: \$50,000 - \$90,000, plus permit sanction against 20-50% of IFQ for one year, plus forfeiture of entire catch or value thereof.
- 2 Fail to submit report to obtain prelanding written clearance outside Alaska  
Penalty: \$25,000 - \$60,000, plus forfeiture of IFQ fish or value thereof.
- 3 Fail to submit accurate report to obtain prelanding written clearance outside Alaska  
Penalty: \$20,000 - \$50,000, plus forfeiture of unreported IFQ fish
- 4 Fail to submit report to obtain prelanding written clearance in a manner prescribed by the registered buyer permit  
Penalty: \$1,000 - \$5,000.

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- E. Fail to make available for inspection any reports or receipts  
Penalty: \$1,000 - \$5,000
- F. Fail to maintain onboard or present original IFQ card for inspection.  
Penalty: \$5,000 - \$25,000
- G. Start an IFQ landing between 18:01 and 5:59 a.m.  
Penalty: \$10,000 - \$20,000, plus forfeiture of catch or value thereof.
- H. Possess on vessel or land IFQ sablefish concurrently with non-IFQ sablefish.  
Penalty: \$10,000 - \$25,000, plus forfeiture of entire catch or value thereof, plus deduction of amount of IFQ fish from following year(s) IFQ.
- I. Make an IFQ landing other than directly to (or by) a registered buyer.  
Penalty: \$20,000 - \$60,000, plus forfeiture of catch or value thereof, plus permit sanction against 20-50% of IFQ for following year or deduction of IFQ landing amount from following year's IFQ, whichever is greater.
- J. Discard IFQ fish caught with fixed gear from any catcher vessel when any IFQ card holder onboard holds unused IFQ for that vessel category and regulatory area.  
Penalty: \$1,000 - \$15,000
- K. Operate a vessel as catcher vessel and freezer vessel during the same fishing trip.  
Penalty: \$1,000 - \$15,000
- L. Discard Pacific cod or rockfish with IFQ fish on board.  
Penalty: \$5,000 - \$25,000

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- XI U.S. Nationals Fishing in Russian Fisheries (50 C.F.R. §300, Subpart J)
- A. Fishing for Russian fishery resources without a valid permit  
Penalty: \$5,000 - \$25,000, plus forfeiture of catch or value thereof
- B. Violate the provisions, conditions or restrictions of a permit  
Penalty: \$5,000 - \$25,000

- XII Research Plan  
Submit inaccurate information.  
Penalty: \$1,000 - \$5,000

- XIII Walrus Buffer Zone  
Enter area 3 to 12 nautical miles seaward of Round Island and The Twins.  
Penalty: \$10,000 - \$50,000

XIV Adjusting Factors: General

The adjusting factors set forth below may be applied, depending on the facts and circumstances of any given case. The various factors listed are not meant to be exclusive; other factors may be present that warrant consideration in any particular case. These adjusting factors may be applied to assess a penalty within or above or below the suggested base penalty.

- A Gravity/extent of the violation  
B Culpability  
C Surrounding Circumstances  
D Prior offenses  
E Ability to Pay  
F Deterrence of future violations (cost of doing business)

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G Commercial or economic benefit derived from the violation

XV Permit Sanctions: General

- A The proposed penalty assessment exceeds the statutory maximum.
- B The harm to the resource is sufficiently egregious.
- C The violation is grossly negligent or intentional; or
- D The vessel operator, owner or permittee has a history of fishery violations.

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